

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

MAR 3 1 2017

Clerk, U.S. District Court
District Of Montana
Helena

HELENA DIVISION

ST. PETER'S HOSPITAL and
MOUNTAIN STATES
HEALTHCARE RECIPROCAL RISK
RETENTION GROUP and
COLUMBIA CASUALTY
COMPANY,

Plaintiffs,

vs.

LEXINGTON INSURANCE
COMPANY,

Defendant.

No. CV 16-91-H-SEH

ORDER

The Court ordered the filing of preliminary pretrial statements from Plaintiffs and Defendant by Court Order of February 9, 2017.¹

Plaintiffs and Defendant each filed a preliminary pretrial statement on March 21, 2017.² Defendant's disclosure included a list of "the Description of

¹ Doc. 20.

² Doc. 24 (Defendant); Doc. 26 (Plaintiffs).

Documents, Data Compilations, or Tangible Things that May be Used in Proving or Denying any Party's Claims or Defense.”³ However, the location of such items as required by Fed. R. Civ. P. 26(a)(1)(A)(ii) was not provided. Plaintiffs' Preliminary Pretrial Statement did not state whether disclosure of documents as required by Fed. R. Civ. P. 26(a)(1)(A)(ii) had been provided.

Plaintiffs filed an Unopposed Motion for a Protective Order⁴ on March 28, 2017, which was discussed with counsel at the preliminary pretrial conference. Counsel were invited to meet and confer and to resubmit the motion in a form compliant with the local rules of this Court.

Counsel are further apprised the Court is not disposed to approval of any requested protective order that is inconsistent with and that does not include, in substance, the following language:

“Filing of documents under seal shall be conducted in compliance with L.R. 5.1(d). No document filed under seal shall be considered by the Court or relied upon by any party absent an order of Court so permitting.”

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³ Doc. 24 at 24.

⁴ Doc. 28.

"All parties understand that all documents relied upon by the Court in resolving any issue before the Court, including documents filed under seal, will be made public contemporaneously with the Court's ruling on the issue."

"None of the terms or conditions of this agreement shall apply to any information or documentation which hereafter becomes subject to public disclosure by order of Court or agreement of the parties."

ORDERED:

1. Plaintiffs and Defendant shall each file a supplemental preliminary pretrial statement addressing the matters in Fed. R. Civ. P. 26(a)(1)(A)(ii) on or before April 14, 2017.
2. Counsel are invited to consider revision of the proposed protective order to comport with L.R. 5.1 and 26.4 and to include the material stated above within quotation marks on pages 2 and 3 of this Order. The parties may resubmit a revised proposed protective order on or before April 7, 2017.

DATED this 31st day of March, 2017.



SAM E. HADDON
United States District Judge